

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

AGENCY: Department of Energy and Environment
CONTRACTOR: Hayat Brown, LLC
CONTRACT NUMBER: TBD
CAPTION: Pinehurst Environmental Assessment (EA) Continuation

FINDINGS

1. AUTHORIZATION

D.C. Official Code §2-354.04; 27 DCMR 1700 and 1701.

2. MINIMUM NEED

The Government of the District of Columbia, Department of Energy and Environment (DOEE), has an immediate need for Hayat Brown LLC to complete environmental assessment services for Pinehurst Branch in northwest Washington D.C. on National Park Services (NPS) land. NPS has provided a letter requesting Hayat Brown to complete the work that was delayed due to unforeseen circumstances. (Attachment A)

The period of performance required for this contract will be 12 months from the date of award with two (2) one (1) year option periods.

3. ESTIMATED FAIR AND REASONABLE PRICE

The estimated reasonable price is a firm fixed price of \$128,171.00.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT

A. Contract CW51868 was award to Hayat Brown LLC on June 12, 2017 to perform an environmental assessment at Pinehurst Branch. The subject contract had a period of performance of one (1) year. The process for environmental assessment requires that the National Park Services (NPS) be responsible for approving the submitted documents. The NPS was unable to approve the documents Hayat Brown submitted in a timely manner, which delayed the project. Consequently, Hayat Brown was unable to complete contract CW51868 by the contract expiration date of June 11, 2018.

B. NPS has provided a Federal letter addressed to D.C. Government Department of Energy and Environment requesting that Hayat Brown be permitted to complete the work from contract CW51868. (Attachment A)

- C. This is a continuation of work as described in the scope work of an uncompleted competitively awarded contract, CW51868. It would not be cost effective, schedule effective or technical risk mitigation prudent to procure with another contractor for this procurement as Hayat Brown has completed 45% of the environmental assessments.
- D. Hayat Brown has demonstrated that they are responsible, and their work is sufficient and meets the contract (CW51868) requirements as stated by NPS in a letter dated April 25, 2019. (Attachment A). Contracting with Hayat Brown maintains quality assurance, reliability and mitigations risk considerations.
- E. A market survey was not conducted, given the circumstances described above.

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5. CERTIFICATION BY THE AGENCY HEAD

I hereby certify that the above findings are true, correct and complete.

Tommy Wells
Director
Department of Energy and Environment

Date

6. CERTIFICATION BY THE CONTRACTING OFFICER

I have reviewed and certify the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with 27 DCMR 1304.1 and Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2-354.04) and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Tracy Crump
Contracting Officer
Office of Contracting and Procurement

Date

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

George A. Schutter III
Chief Procurement Officer
Office of Contracting and Procurement

Date